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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	Case No. 19-CR-00376 RS
Plaintiff,	STIPULATION TO SCHEDULE FIRST STATUS HEARING AND EXCLUDE TIME UNDER THE SPEEDY TRIAL ACT AND ORDER
v.	
THOMAS HENDERSON, KEXING HU a/k/a PETER HU, and COOPER LEE	
Defendants.	

The above-captioned indictment was filed on August 15, 2019, and was unsealed on August 20, 2019 after the arrests of defendants Thomas Henderson and Cooper Lee. Henderson made an initial appearance on August 20, 2019, and Lee made an initial appearance in this district on August 29, 2019. Both defendants have been released on bond pending trial. Kexing Hu has not been arrested and has not appeared in the case. At the initial appearances, Magistrate Judge Donna M. Ryu set each defendant for a Status Hearing before the previously-assigned judge on October 1, 2019.

On September 3, 2019, this Court issued an Order relating and reassigning this case and another criminal action involving Matthew Henderson, based on the pending SEC civil enforcement action

1   currently before the Court. The parties now request a first Status Hearing in the above-captioned case be

2   set for October 8, 2019, and that time until that hearing be excluded under the Speedy Trial Act.

3   The parties are currently negotiating a stipulated protective order and plan to submit this to the

4   Court for consideration in the next two weeks. After the entry of a protective order, the government

5   intends to provide discovery to the defendants, and the discovery provided will include more than a

6   million pages of materials. Counsel for the defendants request additional time to conduct an initial

7   review of discovery materials prior to the first Status Conference before the Court.

8   For the reasons stated above, the parties request the Court set the first Status Hearing for

9   October 8, 2019, and agree that a continuance of the case and the exclusion of time under the Speedy

10   Trial Act is necessary for the effective preparation of counsel. See 18 U.S.C. § 3161(h)(7)(B)(iv). The

11   parties further agree that the ends of justice served by excluding the time to October 8, 2019 from

12   computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a

13   speedy trial. 18 U.S.C. § 3161(h)(7)(A), (B)(iv).

14   IT IS SO STIPULATED.

15   Dated: September 4, 2019   Respectfully submitted,

16   DAVID L. ANDERSON

17   United States Attorney

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19   /s/

                                        LLOYD FARNHAM

20   Assistant United States Attorney

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22   /s/

                                        ANGELA HANSEN

23   Assistant Federal Public Defender

                                        Counsel for THOMAS HENDERSON

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26   /s/

                                        ADAM G. GASNER

27   Counsel for COOPER LEE

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ORDER

Based upon the facts set forth in the above stipulation and for good cause shown, the Court sets a Status Hearing for October 8, 2019, at 2:30 p.m.

In addition, Court finds that failing to continue this matter and exclude the time until October 8, 2019 would unreasonably deny defense counsel and the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time from the date of this Order to October 8, 2019 from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial. Therefore, and with the consent of the parties, IT IS HEREBY ORDERED that the time from the date of this Order to October 8, 2019 shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A), (B)(iv).

IT IS SO ORDERED.

Dated: 9/4/19

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THE HONORABLE RICHARD SEEBORG
United States District Judge